

ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND
SITING COMMITTEE



0000100310

IN THE MATTER OF THE APPLICATION OF
UNS ELECTRIC, INC. FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY FOR THE
VAIL TO VALENCIA 115 KV TO 138 KV
TRANSMISSION LINE UPGRADE PROJECT,
ORIGINATING AT THE EXISTING VAIL
SUBSTATION IN SEC. 4, T.16S., R.15E., PIMA
COUNTY, TO THE EXISTING VALENCIA
SUBSTATION IN SEC. 5, T.24S., R.14E., IN THE
CITY OF NOGALES, SANTA CRUZ COUNTY,
ARIZONA.

Docket No. L-00000F-09-0190-00144

Case No. 144

6 July 2009

Elizabeth Buchroeder-Webb

Notice of Filing

Final Pleading

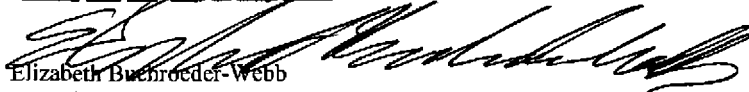
RECEIVED
2009 JUL -7 A 9 06
DOCKET CONTROL

The content of this filing is as follows:

1. Very short pleading for each segment in Case # 144 as per the Chairman's Instructions dated 6/4/2009 Volume 3, Page 599 Lines 5-23.

Mailed electronically to all parties, to Docket Control on 6 July 2009 and will be hand delivered prior to the start of the hearing.

Dated this 6th day of July 2009


Elizabeth Buchroeder-Webb

17451 E. Hilton Ranch Rd.

Vail, Arizona 85641

(520)247-3838 vailaz@hotmail.com

Arizona Corporation Commission
DOCKETED

JUL -7 2009

DOCKETED BY 

Service List

Docket Control (Original and 25 copies)
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Charles Hains, Janice Alward, Chief Counsel
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Jason D. Gellman, J. Matthew Derstine
Roshka DeWulf & Patten, PLC
One Arizona Center

400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

Marc Jerden
Tucson Electric Power Company, Legal Department
One South Church Avenue, Suite 200
PO Box 711
Tucson, Arizona 85702-0711

Marshall Magruder
Intervener
PO Box 1267
Tubac, Arizona 85646-1267

Elizabeth Buchroeder-Webb's very short pleadings with alternatives (if applicable for each segment of the route in case #144)

Segment 1A. I support the preferred alignment with the following modifications:

1. Reduced right of way where the alignment from the Vail Substation would run east to Wilmot Rd., paralleling the existing Robert Bill's-Wilmot 138kVa line. It has been indicated by Mr. Beck this is feasible in his data request to Marshall Magruder if studies are performed. This is a cost saving measure.
2. DULL (not shiny), grey galvanized steel poles in the same alignment mentioned in above modification with paralleling steel lattice structures.
3. Mr. Magruder's color scale pole plan or modified plan as compromised upon with the Company as long as we have say with accountability written into the CEC. (this part goes for the rest of the segments too)
4. Update of environmental accountability from Decision #56097 which did not have specific environmental policy, particularity in regard to floodplain, riparian and OHV issues.
5. Would prefer to see current legal situation regarding the BLM Right of Way resolved prior to issuance of the CEC.

Segment 1B I support the preferred alignment with the following modifications

Agree with current alignment, but have the same concerns regarding an upgrade of environmental compatibility.

Segment 2. I support the following alignment with the following the modifications:

1. The line and route would drop out of the Kantor substation **continuing to use the existing wood H frames** southerly in the the existing 115 kV right of way in the foothills of the Santa Rita Mountains east of the Santa Cruz River and South of Josephine Canyon, as the Alignment drops out of the foothills and into the Santa Cruz River Valley (11.8 miles).
2. **Steel Monopoles would replace Wood H Frames beginning where the alignment drops into the Santa Cruz Valley.** I have seen no evidence that shows the wood H frames need to be replaced. This is a cost saving measure, these poles are located upland out of low lying areas, and typically there is less population. From this point forward the Company can keep encroachments of their right of way easements.
3. As the alignment drops into the Santa Cruz Valley, it uses the existing alignment until it reaches Pendleton Drive.
As the alignment drops into the Santa Cruz Valley, it uses the existing alignment until it reaches Pendleton Drive. At Pendleton Drive the alignment will parallel the roadway until it reaches the Canez Substation right of way where it will head south into the substation.

1 4. The Alignment then leaves the Canez Substation and heads north to the roadway and shifts in a
2 southerly manner to parallel Pendleton Drive

3 5. Near the intersection of Pendleton Drive and Avenida Coatimundi, the Alignment shifts from
4 Pendleton Drive and parallels Avenida Coatimundi east to the Sonoita Substation

5 To simplify, based on my discussion with Mr. Hays, the Santa Cruz County Flood Plain Co-
6 Coordinator, I am suggesting the Pendleton Road Alignment for the area known as the Mesquite
7 Bosque. This is not to suggest this is what Mr. Hays has written in his official statement, it is my
8 alternative formulated from data he has provided me. As this is to be a very short pleading, I will
expand on this in my testimony on July 8th, 2009. I realize that this is outside of the 500' corridor and
will provide my legal reasoning below.

9 **6. From the Sonoita Substation I support the rest of the proposed alignments with the following**
10 **caveats.**

11 A. All ROW's need to be evaluated to see if reduction is possible to save costs.

12 B. Underbuild, Underbuild, Underbuild! Smaller, poorer communities deserve a higher level
13 of advocacy than larger ones. It appears from what I have seen that the old poles will be left
with distribution on them in place. Any place under-building can be done to clean up the
visual blight in these communities, it should be done.

14 How the area in the Mesquite Bosque Can Occur Legally:

15 From the Arizona Revised Statutes:

16 Hearings; procedures 40-360.04

17
18 A. The chairman of the committee shall, within ten days after receiving an application, provide public
19 notice as to the time and place of a hearing on the application and provide notice by certified mail to
20 the affected areas of jurisdiction at least twenty days prior to a scheduled hearing. If the committee
21 subsequently proposes to condition the certificate on the use of a site other than the site or alternative
22 sites generally described in the notice and considered at the hearing, a further hearing shall be held
thereon after public notice. The hearing or hearings shall be held not less than thirty days nor more
than sixty days after the date notice is first given and shall be held in the general area within which the
proposed plant or transmission line is to be located or at the state capitol at Phoenix as determined by
the chairman, at his discretion.

23 D. The committee shall review and consider the transcript of the public hearing or hearings and shall
24 by a decision of a majority of the members issue or deny a certificate of environmental compatibility
25 within **one hundred eighty days** after the application has been filed with or referred to the committee.

26 This is where I might be wrong, but it is all I could find after much research (se A.R.S. below), BUT
27 even given the amount of time if it was based on Calendar days, there is still enough time to re-notice
28 and follow all of the rules and still issue or deny the certificate. It is in the interest of the Public and
29 the Environment to get this thing right.

1 <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/1/00243.htm&Title=1&DocType=ARS1-243>.

2 1-243

3 Computation of time

4 A. Except as provided in subsection B, the time in which an act is required to be done shall be
5 computed by excluding the first day and including the last day, unless the last day is a holiday, and
6 then it is also excluded.

7 B. In cases in which notice of a decision by the state, any agency thereof or any political subdivision
8 must be given to a petitioner and in which the petitioner must file a notice of appeal of such decision
9 within a time certain of less than ten days, such time shall be computed starting with the day after the
10 day during which the notice of decision is received by the petitioner by personal service or registered
11 or certified mail.

12 40-360.21. Definitions

13 23. "Working day" means every day excluding Saturday of each week, the fourth Friday in November,
14 Sunday of each week and other legal holidays as prescribed in section 1-301.

15 Thank you for your consideration and I look forward to my direct examination. These options may be
16 based on percentages if there is other information that comes forward at the hearing.